

REMARKS

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

Status of the Claims

Claims 2, 5, 7, 8, and 15-17 were previously canceled without prejudice or disclaimer of the subject matter recited therein.

Claims 4, 29, and 30 have been canceled without prejudice or disclaimer of the subject matter recited therein. Applicants reserve the right to pursue this subject matter in further applications.

Claims 9-14, 18-27, 31-34, 36, 37, and 44 were previously withdrawn from consideration.

Claim 1 has been amended.

No new matter has been added.

Claims 1, 3, 6, 9-14, and 18-46 are currently pending.

Allowable Subject Matter

Applicants appreciatively acknowledge the Examiner's indication that claims 38-43, 45 and 46 are allowed, and that claim 4 includes allowable subject matter and would be allowable if rewritten in independent form. In the interests of furthering prosecution, claim 1 has been amended to include the allowable subject matter of claim 4.

It is respectfully submitted that each of the pending claims is in immediate condition for allowance.

Previously Withdrawn Claims

Claims 9-14, 18-27, 31-34, 36, and 37 were previously withdrawn in response to the Species Requirement dated December 28, 2006. Claim 44 was subsequently withdrawn as being a new claim directed to the non-elected species. In the December 28, 2006 Species Requirement, the

Examiner had indicated that claims 1-37 were generic. Accordingly, since generic independent claim 1 is now in condition for allowance, Applicants respectfully request rejoinder of the previously withdrawn claims.

Since claims 9-14, 18-27, 31-34, 36, 37, and 44 depend from either allowable claim 1 or 38, it is respectfully submitted that each of claims 9-14, 18-27, 31-34, 36, 37, and 44 is in immediate condition for allowance.

Rejections Under 35 U.S.C. § 102

Claims 1, 3, 6, 28-30, and 35 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,737,773 to Dicker et al. ("Dicker").

As noted above, independent claim 1 has been amended to include the features of allowable claim 4. Specifically, amended independent claim 1 now recites a pants garment "wherein for each leg member, the front second stretchable portion and the back second stretchable portion meet at least at an inner lower portion of the thigh leg member."

Accordingly, withdrawal of the rejection of independent claim 1, and dependent claims 3, 6, 28-30, and 35, under 35 U.S.C. §102(b) based on Dicker is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the pending application is in condition for allowance and earnestly solicit same. If the Examiner believes there are any remaining issues which can be resolved by a Supplemental Amendment or an Examiner's Amendment, the Examiner is respectfully requested to telephone the undersigned at the telephone number indicated below.

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Respectfully submitted,

By 

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